

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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EDWARD TAVARES JR  
(PLAINTIFF)

U.S. DISTRICT COURT  
CIVIL ACTION NO. 2004-40059-FDS  
2005-11-30 P 12 33

V.

DEPARTMENT OF CORRECTION  
STEVEN O'BRIEN , SUPERINTENDENT  
OF N.C.C.I. GARDNER STATE PRISON  
(RESPONDENT)

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PETITIONER'S MOTION FOR SCHEDULED  
DATE FOR HEARING, PURSUANT TO RESPONDENT'S OPPOSITION  
AND MEMORANDUM OF LAW FILED ON MAY 27/2005, ALSO OF  
PETITIONER REPLY BRIEF FILED ON JUNE 7/2005, AGAINST  
RESPONDENT'S OPPOSITION OF MAY 27/2005:

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Now comes the pro-se petitioner Edward Tavares Jr. in the above entitled matter, to move this honorable court, to request that a scheduled hearing be ordered, pursuant to "Respondent's opposition and Memorandum of law filed on May 27/2005, against petitioner petition 28 U.S.C. 2254, and also request for hearing on petitioner reply brief filed on June 7/2005, against the Respondent's opposition and memorandum filed on May 27/2005.

According to the court's order of March 11/2005 all parties submission concerning the merit's of the petition has been filed, and (now) require's a hearing , and the pro-se petitioner request for December 20/2005, for hearing, or as the court deems and order.

It is further necessary that a Writ of Habeas Corpus order to bring the body of the pro-se state prisoner Edward Tavares Jr, before the court on December 20/2005 under the request, or as to any

(2)

court schedule date.

C/C:DANIEL I.SMULOW  
MARTIN CASTLES  
E/T/Files;

PRO-SE Edward Tavares Jr.  
RESPECTFULLY SUBMITTED  
MR.EDWARD TAVARES JR  
N.C.C.I.GARDNER  
P.O.BOX 466  
500 COLONY RD.  
GARDNER MASS.01440

CERTIFICATE OF SERVICE

I Edward Tavares Jr.certify that the above said attached herewith has been served upon the Clerk of Court of United States District,Worcester Division,to "Martin Castles,at 595 Main St. Fifth Floor,Worcester Mass.01608,"Sent by first class mail postage prepaid by the petitioner,petitioner Motion for Scheduled hearing, cover letter to clerk,certificate of service,also cover letter to Daniel I.Smulow A.A.G.with certificate of service,all was sent on this 1 day of December 2005.

PRO-SE Edward Tavares Jr.  
RESPECTFULLY SUBMITTED  
MR.EDWARD TAVARES JR  
N.C.C.I.GARDNER  
P.O.BOX 466  
500 COLONY RD.  
GARDNER MASS.01440

MR.DANIEL I SMULOW A.A.G.  
ONE ASHBURTON PLACE  
BOSTON MASS.02108-1598

MR.EDWARD TAVARES JR  
N.C.C.I.GARDNER  
P.O.BOX 466  
500 COLONY RD.  
GARDNER MASS.01440

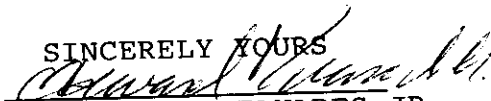
IN RE:TAVARES V.O'BRIEN  
U.S.D.C.NO.04-40059-FDS

Dear Mr.Smulow;

Enclosed,please find a copy of the petitioner's request for scheduled hearing for December 20/2005,or as court deems.I have requested a hearing on your opposition and my reply brief,and of the writ on the merit's.

There is no need for any further delay's and in fact the sooner the better.I thank you for your time in this matter,and if there is any thing you have problem with,please do not hesitate including my imposed unlawful natural life sentence, which was pointed out in your answers to the petition application rule 2 (c)pargraph 3 answer,I hope you and your family has the best of Holiday's and a New year.

SINCERELY YOURS



DECEMBER 1/2005

MR.EDWARD TAVARES JR  
N.C.C.I.GARDNER  
P.O.BOX 466  
500 COLONY RD.  
GARDNER MASS.01440

CERTIFICATE OF SERVICE

I Edward Tavares Jr.certify that the above said attached herewith has been served upon the respondent's attorney to Daniel I.Smulow at One Ashburton Place,Boston Mass.02108-1598,sent by first class mail postage prepaid on this 1 day of December 2005;signed under the pains and penalties of perjury;



MR.EDWARD TAVARES JR  
N.C.C.I.GARDNER  
P.O.BOX 466  
500 COLONY RD.  
GARDNER MASS.01440